IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7684 OF 2006

Vijay Handore)..Petitioner

Versus

The State of Maharashtra & Ors.)..Respondents

S/shri P.F.Patni with P.J.Thorat for the petitioner

Ms.S.S.Bhende AGP for respondent nos.1 & 2.

Coram : S.B.Mhase &
R.S.Mohite,JJ

Date : 18.04.2007

PC

1. Heard learned Advocate for the petitioner and learned AGP for respondent nos.1 & 2.

2. This pertains to the recruitment of the class-III & class-IV employees. It appears that prior to 10.3.2003 there was a stay for recruitment. However, the stay was vacated and therefore, the recruitment commenced. By the Government Resolution dated 24.8.2004 which is at Exhibit-A it was directed that the process of selection should be as that as was followed prior to 10.3.2003. However, later on it was found that there was a Circular dated 19.11.2003 which was issued on the basis of the directions given by the Apex Court in Civil Application Nos.11646/11724/1996 dated 22.8.1996

wherein the Apex Court has given certain directions in respect of the process of selection of the candidates. These directions were overlooked while issuing the Government Resolution dated 24.8.2004 which is at Exhibit-A and therefore, the selection process was tried to be corrected by following the process as directed by the Apex Court in the above referred orders and Circulars. In this process, the petitioner has approached this Court and according to the petitioner he become an age bar. However, the respondents have stated in their reply that petitioner's claim is not rejected on being an age bar. The respondents may relax age limits of the petitioner and the similarly situated persons if the Rules permit. No doubt, there is no fault of the petitioner but the whole attempt on the part of the respondents is bonafide and is to obey the orders of the Apex Court and if in the said process the petitioner is affected, the remedy under Article 226 of the Constitution of India cannot be availed of. We, refrain to entertain this petition. Petition is therefore, rejected.

(R.S.Mohite,J) **(S.B.Mhase,J)**